

EXHIBIT 5

AFFIDAVIT OF QUAN DINH TRAN

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, duly authorized to take acknowledgements and administer oaths, personally appeared QUAN DINH TRAN (“Affiant”) who after being first duly sworn, deposes and says the following is true and correct based on his personal knowledge, information and belief:

1. My name is Quan Dinh Tran. I am over the age of eighteen years and have personal knowledge of the matters set forth herein.

2. When the money in the Q3 trading club had grown to a certain amount, the Q3 trading club retained Riveles Wahab.

3. Riveles Wahab was retained by the informal trading club using the money from the participants/depositors in the club to work on a structure for the fund that would protect the fund and its participants.

4. Q3 I, L.P. (“Q3I”) was never meant to do anything but make Q3I’s limited partners and general partner money.

5. Michael W. Ackerman duped Q3I.

6. Q3I was not complicit in Ackerman’s scheme; neither was I nor James A. Seijas, who are the majority members of the board of managers of Q3 Holdings, LLC.

7. Ackerman did not have any authority to act alone to bind Q3 Holdings or Q3I.

8. I did not have access to the cryptocurrency exchange accounts opened by Ackerman at Bitfinex that held Q3I’s funds.

9. I relied on Ackerman's reported profits and screenshots and believed the Q3I cryptocurrency exchange accounts were incredibly profitable, housing over \$300 million at one point.

10. I had no idea that the reported profits were not real until December 2019. As soon as I realized what Ackerman did, I directed him to stop all trading and I called the authorities.

11. James Seijas was my Financial Advisor with Wells Fargo Clearing Services, LLC ("Wells Fargo Advisors").

12. I asked him about cryptocurrency investment opportunities in 2017.

13. Wells Fargo Advisor associates that worked with Seijas invested in Q3I.

14. Certain Q3I investors asked me if they could become clients of Seijas at Wells Fargo Advisors.

15. Seijas told me that he did not want Wells Fargo Advisors to be aware of his involvement with Q3I.

16. McEvoy, an employee with Taglich Brothers, was hired as the Q3I Fund Administrator.

17. We used Signature Bank to hold the fiduciary funds of Q3I's limited partners.

18. Signature Bank contacted me and expressed concern about the way that the money was being transferred out of the Q3I account.

19. It is my understanding that Q3I asked its fund administrator, McEvoy, to address Signature Bank's concern.

20. As part of that effort, it is my understanding that the Polsinelli law firm was completely comfortable with the way Q3I ran the account at Signature Bank.

21. In response to Signature Bank's inquiry about how the account was run, I responded that we were trying to reduce transaction fees and Signature Bank took no further action.

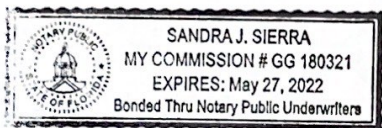
22. Gary Chadee with Brandon Accountants prepared tax returns for Q3I and Q3 Holdings.

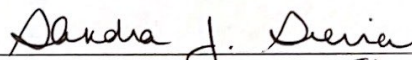
23. The documents described in the attached "Exhibit A" are true and correct copies of said documents.

FURTHER AFFIANT SAYETH NAUGHT.


QUAN DINH TRAN

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 16th day of November, 2021 by Quan Dinh Tran.




Print Name: Sandra J. Sierra
Commission No.: 66180321
My Commission Expires: 5/27/2022

Personally Known OR Produced Identification
Type of Identification Produced:

AFFIDAVIT OF QUAN DINH TRAN**EXHIBIT A**

Doc #	Description	Tran Aff #
1	Document type: PDF Document Title: 1010_Capital_-_2.5_-_12.29.18_FULLY EXECUTED.pdf Content: Q3 I, LP Subscription Booklet executed by 1010 Capital Inc.	Tran Aff 000001 – Tran Aff 000018
2	Document Type: PDF Document Title: 1010_Capital_Inc_Q3_10.2019.pdf Content: Account Statement October 2019 for 1010 Capital, Inc.	Tran Aff 000019
3	Document type: Email From: Quan Tran qdtran309@yahoo.com To: Ack; James Seijas; Gary A. Chadee Date: January 14, 2019, 4:05 PM Subject: Q3 END OF YEAR FINAL REPORT-CONFIDENTIAL DO NOT FORWARD Attachments: Q3MASTERFINAL2018.xlsx; Q3 EXPENSES2018.xlsx	Tran Aff 000020 – Tran Aff 000024
4	Document type: Email From: Sidd Pagidipati To: Quan Tran; Steve Saunders CC: Rahul Pagidipati; sandip@ayon.com; Alex Chang Date: December 26, 2018, 8:49 PM Subject: Fwd: Document 1: Q3 Subscription Agreement – 1010 Capital Attachments: Untitled attachment 00086.html; Q3-I-LP Subscription-Booklet-Final.pdf	Tran Aff 000025 – Tran Aff 000043
5	Document type: Email From: qdtran309@yahoo.com To: Anita Nanda CC: James Seijas; Steve Saunders Date: November 5, 2019 10:37 AM Subject: Re: Statement	Tran Aff 000044 – Tran Aff 000045
6	Document type: Email From: qdtran309@yahoo.com To: woodyfsul@gmail.com; James Seijas Date: December 6, 2018, 4:40 PM Subject: RE: Q3 Subscription Documents	Tran Aff 000046

Doc #	Description	Tran Aff #
7	Document Type: Email From: Steve Saunders To: Quan Tran Date: April 11, 2019, 11:34 PM Subject: Also these... Attachments: Pagidipati Q3 4.2019.pdf; Ayon Capital Q3 4.2019.pdf	Tran Aff 000047 – Tran Aff 000049
8	Document type: Email From: qdtran309@yahoo.com To: Steve Saunders; James Seijas Date: December 1, 2019, 7:51 AM Subject: Dec 1 2019 SPREADSHEET – CONFIDENTIAL DO NOT FORWARD Attachments: Q3 Dec 1, 2019.xlsx; Untitled attachment 00013.htm	Tran Aff 000050 – Tran Aff 000052
9	Document type: Email From: qdtran309@yahoo.com To: Steve Saunders <woodyfsul@gmail.com>; Gary A Chadee Date: February 28, 2019, 7:37 AM Subject: Fwd: Change for 1010 Capital; Attachments: W9 – 2018.pdf; Untitled attachment 00026.html	Tran Aff 000053 – Tran Aff 000059
10	Document type: Email From: Alex Chang <alex@ayon.com> To: qdtran309@yahoo.com CC: Steve Saunders <woodyfsul@gmail.com>; Sidd Pagidipati Date: March 14, 2019, 6:01 PM Subject: Re: K-1 (2018) for Sidd re: Q3 I LP	Tran Aff 000060
11	Document type: PDF Document title: Pagidipati.Sidd_-_Q3-I-LP-PPM_-_Fee_amendment.pdf Document content: Confidential Private Placement Memorandum Amendment for Sidd Pagidipati	Tran Aff 000061
12	Document type: PDF Document title: Pagidipati_Q3_4.2019.pdf March 2019 Document Content: Account Statement March 2019 Sidd Pagidipati	Tran Aff 000062
13	Document type: PDF Document title: Quan_Tran_text_messages_to_Seijas.pdf Document content: iTunes Backup Quan Tran's phone	Tran Aff 000063 – Tran Aff 001432

Doc #	Description	Tran Aff #
14	Document type: Email From: qdtran309@yahoo.com To: Michael.ackermann@aol.com; Jaseijas Date: January 11, 2018, 5:15 PM Subject: Fwd: SEC requirements – Important Read	Tran Aff 001433
15	Document type: Email From: Sidd Pagidipati <sidd@phypartners.com> To: qdtran309@yahoo.com; James Seijas Date: February 28, 2019, 7:02 AM Subject: Change for 1010 Capital Attachments: W9 – 2018.pdf	Tran Aff 001434 – Tran Aff 001440
16	Document type: Email From: qdtran309@yahoo.com To: James Seijas Date: July 9, 2019, 2:01 PM Subject: Fwd: Signature Bank	Tran Aff 001441 – Tran Aff 001442
17	Document type: Email From: James Seijas <4jas310@gmail.com> To: DDamico@signatureny.com; qdtran309@yahoo.com; ack Date: July 9, 2019, 3:11 PM Subject: Q3	Tran Aff 001443
18	Document type: Email From: Rahul Pagidipati <pagidipati@gmailcom> To: Seijas Cc: Kislinj@gtlaw.com; qdtran309@gmail.com; Sidd Pagidipati; Alex Change; David L. Koche; Sandip Patel; sshahfcs@gmail.com; malinipatel03@gmail.com Date: December 19, 2019, 9:33 PM Subject: Re: Investor Update	Tran Aff 001444
19	Document type: Email From: qdtran309@yahoo.com To: Michael.ackermann@aol.com; jaseijas; duhyseth@gmail.com +24 others Date: January 12, 2018, 4:43 AM Subject: 2018 Taxes – please respond	Tran Aff 001445 – Tran Aff 001448
20	Document type: Email From: qdtran309@yahoo.com To: Michael.ackermann@aol.com; James Seijas Date: February 28, 2018, 10:46 AM Subject: Fwd: Crypto Sell-Off Update from Mike Ackerman sent 1/17/18	Tran Aff 001449 – Tran Aff 001451

Doc #	Description	Tran Aff #
21	Document type: Email From: qdtran309@yahoo.com To: Derek Waltchack Date: August 16, 2019, 2:37 PM Subject: Re: Q3 cryptocurrency fund Attachments: www.shanwalt.com.png	Tran Aff 001452 – Tran Aff 001477
22	Document type: Email From: qdtran309@yahoo.com To: D'Amico, David Date: October 3, 2019, 10:27 AM Subject: Re: Signature Bank	Tran Aff 001478 – Tran Aff 001480
23	Document type: Email From: qdtran309@yahoo.com To: Adam Braden Date: January 10, 2018, 9:14 AM Subject: Re: Crypto informational sheet	Tran Aff 001481 – Tran Aff 001483
24	Document type: Email From: qdtran309@yahoo.com To: Andyjwalter <andyjwalter@gmail.com> Date: January 12, 2018, 4:34 AM Subject: Re: Welcome to Q3 Crypto-please respond	Tran Aff 001484 – Tran Aff 001486
25	Document type: Email From: qdtran309@yahoo.com To: Jason <jasonsoch@gmail.com> Date: June 18, 2018, 9:08 PM Subject: Re: Additional Q3 funding	Tran Aff 001487
26	Document type: Email From: qdtran309@yahoo.com To: Andyjwalter <andyjwalter@gmail.com> Date: July 6, 2018, 10:21 PM Subject: Re: June 2018 Q3 spreadsheet	Tran Aff 001488 – Tran Aff 001489
27	Document type: Email From: Steve Saunders <woodyfsu1@gmail.com> To: Sandip Patel CC: Quan Tan Date: December 18, 2018, 10:15 PM Subject: Re; Amendment to PPM Attachments: Ayon Capital – Q3-I-LP-PPM – Fee amendment.pdf; Pagidipati.Sidd – Q3-I-LP-PPM-Fee agreement.pdf	Tran Aff 001490 – Tran Aff 001492

Doc #	Description	Tran Aff #
28	Document type: Email From: Sidd Pagidipati sidd@phypartners.com To: Quan Tran; Steve Saunders CC: Rahul Pagidipati; sandip@ayon.com; Alex Chang Date: December 26, 2018, 8:49 PM Subject: Fwd: Document 1: Q3 Subscription Agreement – 1010 Capital Attachments: No name.att; Q3-I-LP-Subscription-Booklet-FINAL.pdf	Tran Aff 001493 – Tran Aff 001511
29	Document type: Email From: Alex Chang alex@ayon.com To: qdtran309@yahoo.com CC: Sidd Pagidipati Date: March 14, 2019, 5:39 PM Subject: K-1 (2018) for Sidd re: Q3 I LP	Tran Aff 001512
30	Document type: Email From: qdtran309@yahoo.com To: Gary A. Chadee Date: June 20, 2017, 9:45 AM Subject: Fwd: CRYPTO SHEET 06-19-17 Attachments: CRYPTO SPREADSHEET.xlsx	Tran Aff 001513 – Tran Aff 001530
31	Document type: Email From: qdtran309@yahoo.com To: Sandip Patel CC: Alex Chang, Rahul Pagidipati, Sidd Pagidipati; Michael.ackermann@aol.com; Sidd Pagidipati; James Seijas Date: March 7, 2018, 2:40 PM Subject: Re: Conference	Tran Aff 001531
32	Document type: Email From: Sidd Pagidipati sidd@phypartners.com To: Quan Tran Date: February 28, 2019, 7:05 AM Subject: 500	Tran Aff 001532
33	Document type: Text message IMG From: Sidd Pagidipati <+17272354040> To: +19083916649; +17272354040; <imessage;+;chat54113121990425257> Remote party: +19083916649; +17272354040 Time Stamp: 6/27/2019 9:39 PM (UTC)	Tran Aff 001533
34	Document type: PDF Document title: W9 - 2018.pdf	Tran Aff 001534 – Tran Aff 001539